

Tosan Summers 28055-245
Greenville Federal Correctional Institution
P.O. Box 5000
Greenville, IL 62346

SCREENED BY
U.S. MARSHALS

15-295

BCW

RECEIVED

2020 JUL 14 AM 11:43

U.S. District Court
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MO
KANSAS CITY, MO

400 E 9th ST RM 2710

Kansas City, MO 64106

ATTN: Judge Brian C Wines
Court Clerk

SAINT LOUIS MO

09 JUL 2020



(LEGAL MAIL)

7/6/20

Judge Brian C. Wimes

Case Number 4:15-cr-00295

USM Number 28055-045

Petitioner requests counsel with requests to Motion filed with the court pursuant to 3582 (c)(1)(A)(i) for the following reasons.

1) The complexity of requesting "Compassionate Release" pursuant to BOP Program Statement 5050.50 (Compassionate Release/Reduction in Sentence) Procedures for Implementation of 18 USC 3582 and 4205g

2) On 4/1/20 a request for "compassionate Release" was initiated in writing to Warden Williams through a Request to Staff.

A) Request included an outline of the circumstances for which compassionate release was being requested.

B) Request included proposed release plan including the address, home phone number, plan of employment,

(Please refer to BOP Program Statement 5050.50/571.61 Initiation of Request)

* "A request for a RIS is considered "submitted" for the purposes of 18 USC 3582(c)(1) When received by the warden in accordance with this section"

Petitioner's request to Warden Williams was initiated in writing, included an outline of the extraordinary circumstances, A release plan, and should be considered submitted 4/7/20.

3) The initial response to petitioner's request for Compassionate Release received on 4/7/20 stated "You are not eligible for home confinement due to your high risk prison score."

A) This response does not address or relate to petitioner's request for Compassionate Release / Reduction in sentence

(18 USC 3582 was amended by the First Step Act of 2018, revisions noted below in summary of changes)

For the purposes of this program statement, the terms "Compassionate Release" and reduction in sentence are used interchangeably.

B) This response was from ^{the} "The CMC" not the warden.

C) This response failed to inform petitioner that a reduction in sentence may be available, or inform petitioner of the process, procedures, and timelines for initiating and resolving requests as required by section 6036 of the First Step Act, codified at 18 USC 3582

- * • Requiring inmates be informed of reduction in sentence availability, and process;
- * • Specifying inmates may file directly to courts after exhausting administrative remedies, or 30 days from receipt of such a request by the warden's office.

The Bureau of Prisons modified operations of the entire BOP on 4/1/20 due to the COVID-19 pandemic petitioner did not have access to the law library. This response failed to provide the necessary guidance relating to requests for compassionate release / reduction in sentence

D) This response delayed a serious consideration of this request for months and actually did not even respond to a request for compassionate release. The terms compassionate release and reduction in sentence are used interchangeably, Home Confinement does not relate to compassionate release in these circumstances.

4) After receiving the initial response from the CMC petitioner informed unit team that this was specifically a request for compassionate release/reduction in sentence. Petitioner was instructed to resubmit this request with a note explaining in specifically detail what petitioners request was for, since this response did not relate to petitioners request. Petitioner immediately resubmitted this request on 4/7/20 (No response was made)

5) After receiving request to staff back with no response, Petitioner was again instructed to resubmit the request to staff directly to the Warden (which I had already done on 4/1/20). Unit team delivered the request to staff directly to the Warden's mailbox. (No Response has been made)

6) After 30 days lapsed with no response from the CMC or the Warden petitioner filed a pro se motion to the court.

7) Petitioner began Administrative Remedy process 5/26/20. (No Response has been made 7/6/20)

8) Petitioner's letter to the court dated 4/7/20 requesting modification of sentence clearly did not meet the requirements to directly petition the court since petitioner had not exhausted administrative remedies, nor had 30 days lapsed since a receipt by the Warden's office, but

- Had petitioner had access to the Law Library, or
- Had the CMC's response taken into consideration modified operations of the entire Bureau of Prisons, and actually read, and responded appropriately under these additional circumstances. This Petitioner would have had the opportunity to petition the court directly only after following the process, procedure, and timeline provided (as required by section 6036 of the First Step Act). Under these circumstances petitioner's letter should have requested counsel.

In Summary petitioner requests Counsel, Asks The Court To Consider A request for reduction in sentence "submitted" for the purposes of 18 USC 3582(c)(1) (on 4/7/20), and asks The Court To Consider since the time of petitioner's initial letter To The Court That a sufficient lapse of 30 days has occurred To proceed with This Motion.

Thank You Respectfully
Petitioner Jason P Summers

Attached Documents; 1) BP 9 Request for administrative Remedy dated 5/26/20
2) BP 8 Internal Prisoner Attempt dated 5/20/20
3) Request To Staff dated 4/1/20
4) Memorandum requesting Modification 4/6/20
5) Community Support Letter dated 4/7/20
6) Memorandum from Supervisory Chaplain 4/24/20
7) Message To Unit Team dated 6/26/20
8) Message Requesting Law Library 5/12/20

Documents (1-6) were attached To Petitioner's BP 9 Request for administrative Remedy (dated 5/26/20) No Response from Warden

Document (8) Petitioner requested The Law Library prior To filing pro se Motion To The Court, request was denied.

Document (7) Message To Unit Team after 30 day lapse of response To BP 9 Request for Administrative Remedy.

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Summers Jason P 28055-045 3A Greenville
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I am requesting compassionate release due to extraordinary and compelling "family" circumstances. My original request was submitted on 4/1/20 on the first day of lockdown due to the COVID-19 pandemic. I received a response on 4/2/20 from "Mr. Haskins" stating I am not eligible for home confinement due to my high risk prisoner score. I was instructed to resubmit my request directly to the warden which I had already done. After resubmitting my request to staff directly to the warden I have still not yet received any response it has been nearly 60 days since my original response. I have been asking for instruction and assistance in making this request for compassionate release for nearly 90 days now. My request was denied because I mentioned home confinement in my request to staff. I don't have access to the law library. I am specifically requesting compassionate release due to extraordinary & compelling "family" circumstances 18 U.S.C. 3582(e)(1)(A)(i) seeking a reduction or modification of sentence. 18 U.S.C. 3582(e)(1)(A)(i) 18SSC 1B1.13, 4205(g), 5050.50. Thank you for your time and consideration. See attached documents for Release Plan, and supporting documents. I have additional information to support this request.

5/26/20

DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: Case 4:15-cr-00295-BCW Document 47 Filed 07/17/20 Page 6 of 15

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT

Bureau of Prisons Program Statement No. 1330.18, Administrative Remedy Program, (January 6, 2014), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name JASON SUMMERS	Reg No 28055-045
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1. Briefly state your complaint. Include all details and facts which support your request and the date on which the basis for the complaint occurred. (If related to UDC appeal, specify relevant section of Inmate Discipline Policy.)

I requested compassionate release from this institution on April 1st 2020 for urgent family circumstances. My mother was the primary caregiver for my two children. She suffered a major stroke in January which prevents her from continuing as their primary caregiver. Their mother is not involved in their lives no one else in the household is able to function as their primary caregiver. I do not believe this request was seriously considered. After resubmitting my request I have yet to receive a response from the warden. Nearly 60 days has passed since my original response/request.

2. Briefly state the action you request to resolve your complaint.

I am asking for my request for compassionate release to be forwarded forward to the warden for reconsideration. I am seeking a sentence reduction or modification of sentence under 18 USC 3582(c)(1)(A)(i) for extraordinary & compelling "family" circumstances.

3. Briefly state the action(s) you have taken and with whom you have spoken to resolve your complaint.

I filed an inmate request to staff requesting compassionate release. I included a release plan and included an outline of the circumstances for which I am making this request. I spoke to Ms. Keweenaw after original response from "Mr. Hasking". I was instructed to resubmit my request to the warden which I did on 5/1/20.

4. GIVE THIS COMPLETED FORM TO YOUR COUNSELOR FOR RESPONSE

5. Summary of investigation:

Can't resolve at this level.

6. What actions were taken to resolve this matter informally:

7. Explain reasons for no resolution:

Date & Time Issued: 05-20-2020 11:15	Unit Team Member: <i>[Signature]</i>
Date & Time Returned: 05-26-2020 1400	Unit Team Member: <i>[Signature]</i>
Date & Time Investigation Completed and BP-9 issued: 05-26-2020 1405	
Unit Manager Signature: _____	
On _____, this issue was informally resolved.	
Inmate Signature	Date

BP-A0148

JUNE 10

INMATE REQUEST TO STAFF CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

cell #
230

TO: (Name and Title of Staff Member) Mr. Williams Warden CMC	DATE: 4/1/20
FROM: Jason Summers	REGISTER NO.: 28055-045
WORK ASSIGNMENT: HVAC 1	UNIT: 3-A

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I am requesting compassionate release to home confinement to provide care for my mother, and children that no one else can provide. I have additional information to support this request. I am submitting this request as is due to the time sensitive nature of this request. Thank You Respectfully

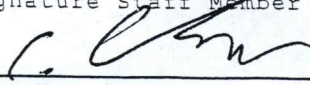
Release Plan; 5122 N Flora
Kansas City, MO 64118
816-452-5939 (Home Phone)
Owner; Eleanor Heath

Jason Summers
28055-045

(Do not write below this line) Circumstances →

DISPOSITION:

You are not eligible for home confinement due to having a high risk PATTERN score

Signature Staff Member 	Date 4-7-20
Record Copy - File; Copy - Inmate	

PDF

Prescribed by P5511

In January 2020 my mother suffered a major stroke. She is learning to walk, and talk again she needs additional care that no one else can provide specifically in the evenings, and overnight.

For the past five years she has been the primary caregiver for my two children Hazel Summers (10) Martin Summers (8). Their mother has not been present for the past seven years. She does not appear to be in the near future due to her mental health condition, addiction, and legal circumstances. She is wanted by the state of Missouri for parole violations.

My mother, and my children live with my grandmother who is 82 years old. She is the legal guardian of my children. She no longer drives, and her memory is getting progressively worse. It is affecting everything she does including her ability to care for and make decisions on behalf of my children. They both (my mother, and grandmother) are at a high risk of death if they contract the corona virus.

My children have neither of their parents present. The two most important people in their lives for the past five years are unable to provide the necessary essential care within the household. Under these circumstances I am begging for consideration of compassionate release to home confinement to provide necessary and essential care within the household which no one else can provide.

I have served 50% of my total sentence in august. I have over half of the time I must serve already served. My conduct within this institution sets a standard for other inmates to follow. I am actively programming, I am participating in the HVAC apprenticeship program with 3,300 hours completed. Most importantly with the help of Ms Bray I started a Narcotics Anonymous Group at this institution. I have volunteered to organize this meeting, and have been actively participating in the meetings since we started meeting in October 2018. I currently sponsor 4 men in working the 12 steps. We have grown to 20 regular members who meet on Friday nights in the chapel. The organization of this program will have a continued positive impact on this institution long after I am gone.

I have additional information to support this request due to the time sensitive nature of this request I am submitting this request as is. Thank You Respectively

Case Plan; 5722 N Flora
Kansas, City MO 64118
816-452-5937 (Home Phone)

Jason Summers
28055-045

Owner; Eleanor Heath

Relationship; Grandmother

My plan to support myself financially immediately upon release is to continue my apprenticeship in the HVAC Trade. To assure that I have employment immediately upon release I have a letter of intent to hire from an asphalt plant in my area. I have also made contact with a local tree service as an alternate employment plan.

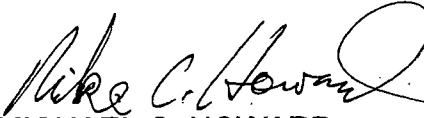
1071

06 April 2020

MEMORANDUM FOR U.S. Federal Bureau of Prisons, Federal Correctional Institution Greenville, 100 US-40, Greenville, IL 62246

SUBJECT: Modification of sentence for Summers, Jason Patrick (28055045)

1. I, Major Howard, Michael C., request a modification of sentence for Summers, Jason Patrick (28055045).
2. Jason is my half-brother; our mother recently suffered from a stroke and requires an extensive amount of care.
3. I will undergo a permanent change of station (PCS) that will take me away from the local area, and will not have the ability to provide care for our mother. If Jason is released, he can act as a primary caregiver in my absence and provide our mother with a higher quality of life than she would enjoy in a long-term care facility. Jason would also be able to care for his two children, who are currently residing with our elderly grandmother who is rapidly losing the capability to care for herself or the children.
4. It is my understanding that Jason has been a model inmate, and has served the majority of his sentence. He has endeavored to better himself while in FCI Greenville by learning a viable trade, and would not pose any significant threat to our citizenry should he be released early.
5. The point of contact for this recommendation is the undersigned at (337) 718-6398, or michael.c.howard2.mil@mail.mil.


MICHAEL C. HOWARD
MAJ, MP
STUDENT, CGSC

St. Mark Church
1101 Euclid Avenue
Kansas City, Missouri 64127

April 7, 2020

Warden Williams
Federal Correctional Institution
P.O. Box 4000
Greenville, Illinois 62246

RE: Jason Summers
#28755-045
Request for Compassionate Release

Dear Warden Williams:

St. Mark supports Mr. Summers' request for compassionate release. It should be granted under federal law due to compelling circumstances that could not have been reasonably foreseen at the time of sentencing. We support Mr. Summers being released for the remainder of his sentence in order to assist his mother and petition for his parental rights.

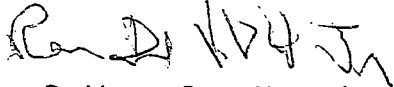
We are aware that Mr. Summers' mother Lori Carruthers experienced a stroke resulting in paralysis of one side of her body after her last trip to Greenville for the Winter holiday 2019. She has been instrumental in the raising of Mr. Summers' two children by supporting and living with the grandchildren and her mother.

We supported Mr. Summers when he voluntarily relinquished his parental rights, and we encourage him to petition to have those rights reinstated. As a result of his conviction and sentence, we supported his effort to be incarcerated close to his family. Unfortunately he is five hours away. Their mother is not involved in their upbringing as ruled by the State of Missouri.

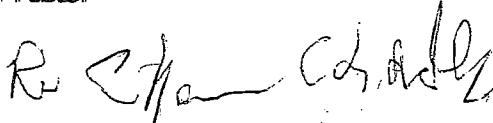
Through Ms. Carruthers, Mr. Summers regularly called his children before they left the house in the morning for school as well as in the evening to check on how their day went. He has been instrumental in providing structure during a very difficult time in their lives. Ms. Carruthers also has made seasonal trips to Greenville, so they can visit with their father.

However, Mr. Summers is not a risk to society, and extreme family circumstances outweigh continued imprisonment of Mr. Summers.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Rev. Dr. Vernon Percy Howard, Jr." with a stylized, cursive script.

Rev. Dr. Vernon Percy Howard, Jr.
Senior Pastor

A handwritten signature in black ink, appearing to read "Rev. Chaunia Chandler, M. Div." with a stylized, cursive script.

Rev. Chaunia Chandler, M. Div.
Associate Pastor



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
Greenville, Illinois

April 24, 2020

MEMORANDUM FOR: TO WHOM IT MAY CONCERN

FROM:  Peter Landers, Supervisory Chaplain

SUBJECT: Acknowledgement of Jason Summers

The Religious Services department would like to recognize the work and dedication of Jason Summers 28055-045. Mr Summers has taught Narcotics Anonymous and been a mentor and support to countless inmates this past year. He has also maintained good conduct and is faithful to attend Protestant Religious Services. He has a can do attitude and is rightly deserving of recognition.

TRULINCS 28055045 - SUMMERS, JASON P - Unit: GRE-C-A

FROM: 28055045

TO: H3 Unit

SUBJECT: ***Request to Staff*** SUMMERS, JASON, Reg# 28055045, GRE-C-A

DATE: 06/26/2020 07:42:15 PM

To: Ms Feaster/Ms Bowers

Inmate Work Assignment: HVAC

I am requesting assistance filing for compassionate release. My mother was the primary caretaker for my two children she suffered a major stroke, and is not able to care for them. They are living with my 82 year old grandmother who does not drive and is unable to continue in that role. Their mother is not involved in their life . I already put in a cop out to the Warden I received a response from "Mr. Harkins" stating that I am not eligible due to my high risk pattern score. I was instructed to resubmit my request to the warden, and have not received any response for 30 days. I submitted this request on April 1st. What do I do now I need help? I understand under the first step act that the institution is supposed to provide assistance filing for compassionate release. I also have a release plan to submit it is 5122 n Flora, Kansas City, MO 64118 the home phone number is 816-452-5939 my mothers cell is 239-728-7734 thank you respectfully.

TRULINCS 28055045 - SUMMERS, JASON P - Unit: GRE-C-A

FROM: Education

TO: 28055045

SUBJECT: RE:***Inmate to Staff Message***

DATE: 05/12/2020 07:57:03 AM

Mr. Summers,

First off, I am so sorry to hear about your mother....I am going to send this request to the legal consolidating center as they are the ones who have to approve or disapprove access during this modified operations schedule.

Mrs. H

>>> ~^!"SUMMERS, ~^!JASON P" <28055045@inmatemessage.com> 5/11/2020 3:16 PM >>>

To: Ms Hustedde

Inmate Work Assignment: HVAC 1

Hey I am requesting law library. I have an urgent family situation at home for which I need to request a modification of sentence. My mother had a major stroke she was the primary caregiver for my two children. Their mother is not involved in their life so I am asking the court for a modification of sentence to care for my children and mother thank you.